

REMARKS

Claims 1-12 and 14-41 are all the claims pending in the application.

CLAIM OBJECTIONS

Applicant acknowledges that the claim identifiers for claims 14 and 19 were in correct in the previous amendment. They should have indicated that the claims were “currently amended.” Applicant is enclosing, as Exhibit A, corrected pages 6 and 7, which contain the correct status identifiers.

SPECIFICATION

As to the specification, Applicant is not aware of any corrections that need to be made.

PRIOR ART REJECTIONS

The Examiner has rejected claims 1-5, 7, 8, 25, 33, 34 and 37-40 under 35 U.S.C. § 102(e) as being anticipated by Salice (U.S. Patent No. 7,497,532). Applicant traverses these rejections because Salice fails to disclose or suggest all of the claim limitations. Specifically, Salice fails to disclose or suggest at least the following limitation: “wherein said balancing device comprises an adjustment for adjusting the thrusting force exerted by the balancing device on the lifting lever.”

First, Applicant notes that, in the Office Action dated August 14, 2009, the Examiner correctly conceded that Salice fails to disclose or suggest at least the above limitations by relying on CH '711 as allegedly containing the limitations. The Examiner is now taking an overly broad and unreasonable reading of the claim in order to argue that Salice discloses this limitation.

Although Salice defines the element 10 as an “adjustable panel” (column 3, lines 63-64), this panel 10 cannot be the adjustment device for adjusting the thrusting force exerted by the balancing device on the lifting lever within the meaning of the present claimed invention. Indeed, the panel 10 has bores to receive screws by means of which the panel 10 is fixed to the support arm 6 (column 4, lines 1-3), wherein the support arm 6 corresponds to the claimed lifting lever. In other words, once the panel 10 is fixed to the support arm 6, the closing and opening positions of the element 1 are defined, these two positions being shown in Figs. 1 and 2 respectively. Therefore, the “adjusting” panel 10 has the purpose of adjusting only the desired closing and opening positions of the element 1, whereas the panel 10 cannot adjust the thrusting force exerted by the balancing device on the lifting lever, as claimed in current claim 1, i.e. the balancing device 8 of Salice always exerts on the lifting lever 6 the same distribution of thrusting force during the passage from the closing to the opening position, and vice versa.

Furthermore, Applicant traverses any possible rejection of current claim 1 under 35 U.S.C. § 103 as being obvious by combining Salice with CH '711, and in this regard the Applicant responds to the arguments in paragraph 42 of the present Office Action.

Indeed, as noted Applicant's November 10, 2009 Amendment, CH '711 fails to disclose any “adjustment device” for adjusting the thrusting force exerted by the balancing device on the lifting lever within the meaning of the present claimed invention. The member 19 indicated by the Examiner as allegedly adjusting the amount of tension in the spring or adjusting in turn the force applied”, in fact, is merely a plunger member (“Kolbenglied see page 2, lines 67-68 of '711) which is simply pushed by the spring 23 towards the projection 17 of the lifting lever 15 and which is at best structurally and functionally equivalent to the pushing element 59 shown in

the preferred embodiments of the claimed hinge assembly. Accordingly, the plunger member 19 disclosed by CH '711 is not an adjustment device and, as such, is totally unable to carry out any adjusting action of the thrusting force exerted by the balancing device.

In other words, the balancing device of CH '711 always exerts on the lifting lever 15 the same distribution of thrusting force during the passage from the closing to the opening position, and vice versa, and no device for adjusting the thrusting force exerted by the balancing device on the lifting lever is disclosed in CH '711.

For at least these reasons, claim 1-5, 7, 8, 25, 33, 34 and 37-40 should be allowable.

The Examiner has rejected claims 8-12, 14-16, 23-25, 36 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Salice in view of CH '711. Applicant traverses these rejections because the claims should be allowable for the reasons described above, because CH '711 fails to make up for the deficiencies of Salice, and because one skilled in the art would not be motivated to combine the references to arrive at the claimed invention. See for example, see the argument on pages 16 and 17 of the November 10, 2009 Amendment.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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EXHIBIT A